

REMARKS

The Office has required restriction in the present application as follows:

Group I, Claims 11-15 and 19 drawn to a method.

Group II, Claims 16-18 drawn to a device.

Group III, Claim 20 drawn to a product.

Applicants elect with traverse Group I, Claims 11-15 and 19 drawn to a method.

The Examiner has indicated that the three groups of inventions do not relate to a single general inventive concept under PCT Rule 13.1 because under PCT Rule 13.2 they lack the same or corresponding special technical features for the reason that Claim 11 is anticipated or obvious over Hiramoto (EP 0661110 A1). This reference discloses a method of treating glass or a metal substrate with ozone UV radiation to remove organic impurities. As such, Unity of Invention is lacking and the restriction is appropriate.

Applicants respectfully traverse the restriction requirement on the grounds that no adequate reasons or examples have been provided to support a conclusion of patentable distinctness between the identified groups or shown that a burden exists in searching all of the claims. With respect to the cited EP reference, note that this application discloses the oxidation of an article surface whereas Applicants are treating organic pollution. Since these are materially different processes, Unity of Invention does exist and the restriction should be withdrawn.

Applicants point out that under the Unity of Invention Rules, an application which claims a product, a process specifically adapted for the manufacture of said product and the apparatus specifically designed for carrying out said process are considered to have unity of invention. See 37 C.F.R. § 1.75. Since Applicants' Claims 11-20 specifically fall within this category under this rule, the restriction is considered improper and should be withdrawn.

Moreover the MPEP in Section 803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct and independent inventions.”

Applicants respectfully submit that a search of all of the claims would not impose a serious burden on the Office, particularly since the European Search Authority searched all of the groups of claims.

Accordingly and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the restriction requirement.

Withdrawal of the restriction requirement is respectfully requested.

Applicants submit that the above identified application is now in condition for examination on the merits and early notice of such action is earnestly solicited.

Respectfully submitted,

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